

## **REMARKS**

### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 9-15 and 55-61 contain allowable subject matter. Claims 9 and 55 have been amended to place them in independent form and to incorporate the subject matter of claims 1 and 6-8 in the case of claim 9, and the subject matter of claims 48 and 52-54 in the case of claim 55. Claims 1, 6-8, 48 and 52-54 have been cancelled. Dependencies for claims that depended from one of the cancelled claim also have been amended. In addition, claim 22 has been amended to incorporate the subject matter of claims 1 and 6-8, and thus claims 22-24 are also allowable.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has cancelled claims 25-47 and 66-72 without prejudice because the Examiner denied Applicant's traversal of the restriction requirement for these claims. Applicant reserves the right to present the cancelled claims in a divisional application at a later date.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 112, second paragraph***

##### **Claim 55**

Claim 55 stands rejected under 35 U.S.C. § 112, second paragraph as having an improper antecedent basis. Applicant respectfully submits that claim 55, as amended, satisfies the requirements of 35 U.S.C. § 112, second paragraph, and respectfully requests the withdrawal of the rejection of the claims under § 112, second paragraph.

#### ***Rejections under 35 U.S.C. § 101***

##### **Claims 1, 4-24 and 48-65**

Claims 1, 4-24 and 48-65 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 6-8, 48 and 52-54 have been cancelled. Claims

1 and 55 have been amended into independent form. Independent claims 1, 22 and 55 have been amended to claim that transmitting the claimed signifier to a decoder indicates to the decoder the encoding format of a portion of the schema. Thus, claims 4, 5, 9-24, 49-51 and 55-65 recite a useful, concrete and tangible result.

In addition, claims 22-24 have been amended to recite a storage medium, and claim 55 claims executing a program from a memory not from a computer-readable medium. Thus, claims 22-24, 49-51 and 55-65 are not directed toward intangible embodiments.

Accordingly, Applicant respectfully submits that the invention as claimed in claims 4, 5, 9-24, 49-51 and 55-65 is statutory subject matter, and respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 101.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-4, 6, 22, 23, 48-50 and 52**

Claims 1-4, 6, 22, 23, 48-50 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shamoon, U.S. Patent Publication 2004/0107356. Claims 1, 6, 8, 48 and 52 have been cancelled. Claims 9, 22 and 55 are allowable over Shamoon. Claims 2-4, 6, 22, 49 and 50 depend from one of amended claims 9, 22 and 55. Thus, claims 2-4, 6, 22, 23, 49 and 50 are not rendered obvious by Shamoon, and Applicant respectfully request the withdrawal of the 35 U.S.C. § 103 rejection of the claims.

#### **Claims 5, 16-21, 24, 51 and 62-65**

Claims 5, 16-21, 24, 51 and 62-65 stand rejected under 35 U.S.C. § 103(a) as being obvious over Shamoon in view of Sullivan, U.S. Patent 7,007,105. Claims 5, 16-21, 24, 51 and 62-65 depend from one of claims 9, 22 and 55, which are allowable over the combination. Thus, claims 5, 16-21, 24, 51 and 62-65 are not rendered obvious by the combination of Shamoon and Sullivan, and Applicant respectfully request the withdrawal of the 35 U.S.C. § 103 rejection of the claims.

#### **Claims 7-8 and 53-54**

Claims 7-8 and 53-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shamoon in view of Bennett, U.S. Patent 6,675,169. Claims 7, 8, 53 and 54 have been cancelled. Therefore, the rejection is moot.

## **SUMMARY**

Claims 2-5, 9-24, 49-51 and 55-65 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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Sheryl Sue Holloway  
Attorney for Applicant  
Registration No. 37,850

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300 x3476